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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Case No. 2:22-mj-00726-BNW-1

12 Plaintiff,

13 v.
Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment

14 SHAVONTE HILL,

15 Defendant.

(First Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for
18 the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid
19 Afshar, Assistant Federal Public Defender, counsel for Shavonte Hill, that the Preliminary
20 Hearing currently scheduled on October 25, 2022, be vacated and continued to a date and time
21 convenient to the Court, but no sooner than forty-five (45) days. This request requires that the
22 Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a
23 detained defendant's initial appearance, *see* Fed. R Crim P. 5.1(c); and (2) that an information
24 or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

25
26 This Stipulation is entered into for the following reasons:

1 1. Defense counsel needs to receive discovery and have an opportunity to review
2 for any relevant legal issues.

3 2. Counsel for government has scheduling conflict.

4 3. The defendant is in custody and agrees with the need for the continuance.

5 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
6 preliminary hearing within a reasonable time, but no later than 14 days after the initial
7 appearance if the defendant is in custody.....”

8 5. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
9 showing of good cause – taking into account the public interest in the prompt disposition of
10 criminal cases – a magistrate judge may extend the time limits in Rule 5.1(c) one or more
11 time.....”

12 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
13 information or indictment charging an individual with the commission of an offense shall be
14 filed within thirty days from the date on which such individual was arrested or served with a
15 summons in connection with such charges.”

16 7. Accordingly, the parties jointly require that the Court schedule the preliminary
17 hearing in this case no sooner than 45 days from today’s date.

18 8. Defendant is in custody and agrees to the extension of the 14-day deadline
19 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. §
20 3161(b), provided that the information or indictment is filed on or before the date ordered
21 pursuant to this stipulation.

22 9. The parties agree to the extension of that deadline.

23 10. Accordingly, the additional time requested by this stipulation is allowed under
24 Federal Rule of Criminal Procedure 5.1(d).

25 11. In addition, the parties stipulate and agree that the time between today and the
26 scheduled preliminary hearing is excludable in computing the time within which the defendant

1 must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18
2 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and
3 (iv).

4 12. This is the first request for an extension of the deadlines by which to conduct the
5 preliminary hearing and to file an indictment.

6 DATED this 17th day of October, 2022.

7
8 RENE L. VALLADARES
9 Federal Public Defender

JASON M. FRIERSON
United States Attorney

10 By /s/ Navid Afshar
11 NAVID AFSHAR
12 Assistant Federal Public Defender

13 By /s/ Kimberly M. Frayn
14 KIMBERLY M. FRAYN
15 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
SHAVONTE HILL,
Defendant.

Case No. 2:22-mj-00726-BNW-1

**Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendants must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS HEREBY ORDERED that the preliminary hearing currently scheduled for Tuesday, October 25, 2022 at 4:00 p.m., be vacated and continued to December 9, 2022 at 3:00 p.m.

DATED: October 17, 2022.

Brenis Wetsel